

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: May 26, 2020

v.

16-CR-311 (KMW)
ORDER

KENNETH RUDGE,

Defendant.
-----X

KIMBA M. WOOD, District Judge:

On November 11, 2019, Defendant filed a *pro se* motion to withdraw his guilty plea. (ECF No. 408.) On February 14, 2020, Kelley Sharkey, Defendant's former attorney, wrote to the Court seeking guidance; the Government had contacted Ms. Sharkey concerning the motion, but Ms. Sharkey stated that she was not in a position to respond to the Government without a waiver of privilege from Defendant. (ECF No. 413.) On February 20, 2020, the Government submitted its opposition to Defendant's motion. (ECF No. 415.) The following day, the Court issued an Order directing Defense counsel to respond to Defendant's motion by March 5, 2020, and stating that no formal waiver of privilege from Defendant was necessary because Defendant's motion alleged ineffective assistance of counsel, thus waiving attorney-client privilege. (ECF No. 416.) Defense counsel has not responded to Defendant's motion.

On May 21, 2020, Defendant filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (ECF No. 425.) The stated grounds for this motion overlap with certain of the stated grounds for Defendant's motion to withdraw his guilty plea.

No later than June 26, 2020, Kelley Sharkey is ordered to respond, by letter or affidavit, to the allegations of ineffective assistance of counsel contained in Defendant's motion to withdraw his guilty plea and his recent Section 2255 motion.

The Clerk of Court is respectfully directed to mail a copy of this Order to Defendant at the following address:

Kenneth Rudge, Register No. 77626-054
USP Thomson
PO Box 1002
Thomson, IL 61285

SO ORDERED.

Dated: New York, New York
May 26, 2020

/s/ Kimba M. Wood
KIMBA M. WOOD
United States District Judge